

1 UNITED STATES DISTRICT COURT
2 FOR THE NORTHERN DISTRICT OF OHIO
3 EASTERN DIVISION

4 IN RE: NATIONAL) MDL No. 2804
5 PRESCRIPTION OPIATE)
6 LITIGATION,) Case No.
7) 1:17-MD-2804
8)
9 THIS DOCUMENT RELATES TO) Hon. Dan A.
10 ALL CASES) Polster
11)
12)

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14
15 Thursday, January 10, 2019
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23 HIGHLY CONFIDENTIAL - SUBJECT TO FURTHER
24 CONFIDENTIALITY REVIEW
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36 Videotaped Deposition of ROXANNE REED,
37 held at 4206 South J.B. Hunt Drive, Rogers,
38 Arkansas, commencing at 8:08 a.m., on the
39 above date, before Debra A. Dibble, Certified
40 Court Reporter, Registered Diplomate
41 Reporter, Certified Realtime Captioner,
42 Certified Realtime Reporter and Notary
43 Public.
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58 GOLKOW LITIGATION SERVICES
59 877.370.DEPS | fax 917.591.5672
60 deps@golkow.com
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Page 2	Page 4
<p>1 A P P E A R A N C E S:</p> <p>2 CARELLA, BYRNE, CECCHI, OLSTEIN,</p> <p>3 BRODY & AGNELLO</p> <p>4 BY: MICHAEL A. INNES, ESQUIRE</p> <p>5 minnes@carellabyrne.com</p> <p>6 ZACHARY BOWER, ESQUIRE</p> <p>7 zbower@carellabyrne.com</p> <p>8 5 Becker Farm Road</p> <p>9 Roseland, New Jersey 07068-1739</p> <p>10 (973) 994-1700</p> <p>11 Counsel for Plaintiffs</p> <p>12 JONES DAY</p> <p>13 BY: TARA A. FUMERTON, ESQUIRE</p> <p>14 tfumerton@jonesday.com</p> <p>15 JASON McDONELL, ESQUIRE</p> <p>16 jmcdonell@jonesday.com</p> <p>17 77 West Wacker</p> <p>18 Chicago, Illinois 60601-1692</p> <p>19 312-782-1692</p> <p>20 Counsel for Walmart</p> <p>21 MARCUS & SHAPIRA, LLP</p> <p>22 (appearing telephonically)</p> <p>23 BY: DARLENE NOWAK, ESQUIRE</p> <p>24 dnowak@marcus-shapira.com</p> <p>25 301 Grant Street</p> <p>35th Floor</p> <p>Pittsburgh, Pennsylvania 15219-6401</p> <p>(412) 338-4690</p> <p>Counsel for HBC</p> <p>WRIGHT, LINDSEY & JENNINGS, LLP</p> <p>BY: CALEY B. VO, ESQUIRE</p> <p>cvo@wlj.com</p> <p>3333 Pinnacle Hills Parkway</p> <p>Suite 510</p> <p>Rogers, Arkansas 72758-8498</p> <p>(479) 986-0888</p> <p>Counsel for McKesson</p>	<p>1 I N D E X</p> <p>2 ROXANNE REED PAGE</p> <p>3 DIRECT EXAMINATION BY MR. BOWER 9</p> <p>4 E X H I B I T S</p> <p>5 No. Description PAGE</p> <p>6 Walmart- Roxanne Reed LinkedIn 11</p> <p>7 Reed 1 profile</p> <p>8 Walmart- Roxanne Reed Performance 11</p> <p>9 Reed 2 Evaluations.</p> <p>10 Walmart- January 2014 email chain. 69</p> <p>11 Reed 3 Subj: The raw data along</p> <p>12 with questions.</p> <p>13 WMT_MDL-000009635-9637.</p> <p>14 Walmart- 1-30-14 email from 70</p> <p>15 Reed 4 Aishwarya Shukla Subj:</p> <p>16 Methodology for flagging of</p> <p>17 store orders 30JAN.</p> <p>18 WMT_MDL-000009629-9630 with</p> <p>19 attachment.</p> <p>20 Walmart- 11/3/14 email from Roxy 126</p> <p>21 Reed 5 Reed to Maria Smith.</p> <p>22 WMT_MDL_000048562-48598.</p> <p>23 Walmart- November 2014 email. Subj: 147</p> <p>24 Reed 6 FW: Executive Summary for</p> <p>25 October Scorecard.</p> <p>WMT_MDL-000026982-26988.</p> <p>Walmart- 12-3-14 email from Miranda 154</p> <p>Reed 7 Johnson to Roxy Reed.</p> <p>Subj: SOM - Archer.</p> <p>WMT_MDL-000009489-9491.</p> <p>Walmart- 12-4-18 email from Roxy 193</p> <p>Reed 8 Reed to Miranda Johnson</p> <p>Subj:</p> <p>Step 2 Threshold Calc.xlsx.</p> <p>WMT_MDL_000029318-29319</p>
Page 3	Page 5
<p>1 BARBER LAW FIRM, LLP</p> <p>2 BY: J. CARTER FAIRLEY, ESQUIRE</p> <p>3 cfairley@barberlawfirm.com</p> <p>4 425 West Capitol Avenue</p> <p>5 Suite 3400</p> <p>6 Little Rock, Arkansas 72201</p> <p>7 (501) 707-6182</p> <p>8 Counsel for Cardinal Health, Inc.</p> <p>9 ARNOLD & PORTER KAYE SCHOLER, LLP</p> <p>10 (appearing telephonically)</p> <p>11 BY: JAKE MILLER, ESQUIRE</p> <p>12 jake.miller@arnoldporter.com</p> <p>13 777 South Figueroa Street</p> <p>14 44th Floor</p> <p>15 Los Angeles, California 90017-5844</p> <p>16 (202) 942-5000</p> <p>17 Counsel for Endo Health Solutions</p> <p>18 Inc.; Endo Pharmaceuticals Inc.; Par</p> <p>19 Pharmaceuticals, Inc.; Par</p> <p>20 Pharmaceutical Companies, Inc.</p> <p>21 formerly known as Par Pharmaceutical</p> <p>22 Holdings, Inc.</p> <p>23 JACKSON KELLY, PLLC</p> <p>24 BY: ANGELA L. FREEL, ESQUIRE</p> <p>25 alfreel@jacksonkelly.com</p> <p>221 NW Fifth Street</p> <p>Evansville, IN 47708</p> <p>(812)442.9444</p> <p>Counsel for AmerisourceBergen</p> <p>ALSO PRESENT:</p> <p>Paul D. Morris</p> <p>Senior Associate Counsel</p> <p>Walmart, Inc.</p> <p>THE VIDEOGRAPHER:</p> <p>Chris Ritona</p> <p>GOLKOW LITIGATION SERVICES</p>	<p>1 Walmart- 12-23-14 email from Roxy 205</p> <p>2 Reed 9 Reed to Phyllis Harris.</p> <p>3 Subj: H&W Compliance</p> <p>4 Scorecard - November FY15</p> <p>5 WMT_MDL_000027994-27999.</p> <p>6 Walmart- Friday, August 21, 2015 219</p> <p>7 Reed 10 Jabber communication,</p> <p>8 between Kristy Spruell and</p> <p>9 Roxy Reed</p> <p>10 WMT_MDL_000009035.</p> <p>11 Walmart- August 2015 email chain. 226</p> <p>12 Reed 11 Subj: RE: Email</p> <p>13 Notification of SOM Eval</p> <p>14 WMT_MDL_000008688-8689.</p> <p>15 Walmart- 8-18-15 email from Roxy 252</p> <p>16 Reed 12 Reed. Subj: 6045 Threshold</p> <p>17 File</p> <p>18 WMT_MDL_000053351-53352</p> <p>19 with attachment.</p> <p>20 Walmart- July 2015 email chain. 267</p> <p>21 Reed 13 Subj: RE: Project ID 28098-</p> <p>22 Wal-Mart - 62128 - Drug</p> <p>23 Tracking</p> <p>24 WMT_MDL_000020529-20531.</p> <p>25 Walmart- 5-12-16 email chain. Subj: 338</p> <p>Reed 14 [Updated] "SOM Eval - Add</p> <p>CS schedule for Top 3 Docs"</p> <p>WMT_MDL_000009030.</p> <p>Walmart- June 2016 email chain. 343</p> <p>Reed 15 Subj: FW: SOM Cloud Data</p> <p>Document - Current Version</p> <p>ver. 1.3 - 5-12-16 email</p> <p>chain. Subj: [Updated]</p> <p>SOM Eval - Add CS schedule</p> <p>for Top 3 Docs</p> <p>WMT_MDL_000009030.04624-</p> <p>4626.</p> <p>Walmart- August 2017 email chain. 359</p> <p>Reed 16 Subj: EXT: RE: SOM</p> <p>Algorithm Score - 20</p> <p>WMT_MDL_000007071-7072.</p>

<p style="text-align: right;">Page 6</p> <p>1 Walmart- December 2017 email chain. 368 2 Reed 17 Subj: RE: Follow-up 3 Materials - Controlled 4 Substance Discussion. 5 WMT MDL 000003598-3599. 6 Walmart- Subj: RE: SOM Talking 375 7 Reed 18 Points & FAQs Updated Jan. 8 5. WMT MDL 000007350-7354. 9 10 Walmart- January 2018 email chain. 382 11 Reed 19 Subj: Re: EXT: Suspicious 12 Order Reports. 13 WMT MDL 000008865-8866. 14 Walmart- October 2015 email chain. 387 15 Reed 20 Subj: RE: Stores Needing 16 Threshold Evaluation. 17 WMT MDL 000028865-28866. 18 19 Walmart- Walmart U.S. Ethics & 389 20 Reed 21 Compliance Q3 Nominees. 21 WMT MDL 000046435-46441. 22 23 24 25</p> <p>CERTIFICATE 395 ERRATA 397 ACKNOWLEDGMENT OF DEPONENT 398 LAWYER'S NOTES 399</p>	<p style="text-align: right;">Page 8</p> <p>1 Jones Day, also on behalf of Walmart 2 and the witness. 3 MR. MORRIS: Paul Morris from 4 Walmart legal. 5 MR. FAIRLEY: Carter Fairley on 6 behalf of Cardinal. 7 MR. VO: Caley Vo, Wright 8 Lindsey & Jennings, on behalf of 9 McKesson. 10 MR. INNES: Michael Innes, 11 Carella Byrne, on behalf of plaintiffs 12 in the MDL. 13 MR. BOWER: Zach Bower, also 14 Carella Byrne, on behalf of plaintiffs 15 in the MDL. 16 THE VIDEOGRAPHER: Will the 17 court reporter please swear in the 18 witness. 19 (Telephonic interruption.) 20 THE VIDEOGRAPHER: Anyone on 21 the phone remotely, please identify 22 yourselves for the record as well. 23 MR. MILLER: Hi. This is 24 Jake Miller from Arnold & Porter on 25 behalf of the Endo and Par defendants.</p>
<p style="text-align: right;">Page 7</p> <p>1 PROCEEDINGS 2 (January 10, 2019 at 8:08 a.m.) 3 THE VIDEOGRAPHER: We are now 4 on the record. My name is 5 Chris Ritona. I'm the videographer 6 for Golkow Litigation Services. 7 Today's date is January 10, 2019. The 8 time is approximately 8:08 a.m. This 9 video deposition is being held in 10 Rogers, Arkansas at Mitchell Williams, 11 4206 South J.B. Hunt Drive, Suite 200, 12 in the matter of National Prescription 13 Opiate Litigation, MDL No. 2804, Case 14 No. 17-MD-2804. U.S. District Court, 15 Northern District of Ohio, Eastern 16 Division. 17 The deponent today is 18 Roxanne Reed. The court reporter 19 today is Debbie Dibble. Counsel will 20 now please -- will counsel note 21 themselves for the stenographic 22 record? 23 MS. FUMERTON: Tara Fumerton on 24 behalf of Walmart and the witness. 25 MR. McDONELL: Jason McDonell,</p>	<p style="text-align: right;">Page 9</p> <p>1 MS. FREEL: Hi, this is 2 Angela Freel with Jackson Kelly on 3 behalf of AmerisourceBergen Drug Corp. 4 MS. NOWAK: This is 5 Darlene Nowak for Marcus & Shapira, on 6 behalf of HBC Services. 7 ROXANNE REED, 8 having first been duly sworn, was examined 9 and testified as follows: 10 DIRECT EXAMINATION 11 BY MR. BOWER: 12 Q. Would you please state your 13 full name and spell your last name for the 14 record? 15 A. Roxanne Reed, R-E-E-D. 16 Q. And good morning, Ms. Reed. 17 Thank you for being here today. 18 Have you ever given a 19 deposition before? 20 A. I have not. 21 Q. Okay. So just before we get 22 started, we'll go over a few ground rules to 23 hopefully make your day a little bit easier. 24 Okay? 25 A. Okay.</p>

Page 10

1 Q. First, and perhaps most
2 important, is if I ask a question and you
3 don't understand it, please let me know.
4 Okay?
5 A. Okay.
6 Q. Okay. So if you don't
7 understand the question, I will try to
8 rephrase it so that we can both be on the
9 same page. Okay?
10 A. Okay.
11 Q. If you do not let me know that
12 you don't understand a question, I will
13 assume that you do understand the question.
14 Do you understand that?
15 A. Yes.
16 Q. Also very important, if a
17 question calls or an answer calls for a "yes"
18 or "no," please provide a verbal answer and
19 don't shake your head. That way, the court
20 reporter can take down your answer. Okay?
21 A. Okay.
22 Q. Any questions you have before
23 we begin?
24 A. No.
25 Q. Is there any reason or anything

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1 that would prevent you from testifying
2 truthfully today?
3 A. No.
4 Q. And if you want to take a break
5 at any time, please let us know and we'll do
6 so. I just ask that you would answer any
7 question that's pending.
8 Do you understand that?
9 A. Okay.
10 Q. So when we get started, I'm
11 going to give you a couple of documents to
12 kind of get us started, which is going to be
13 your annual performance review. So that will
14 help us kind of frame our discussion.
15 (Walmart-Reed Deposition
16 Exhibit 1 was marked for
17 identification.)
18 Q. (BY MR. BOWER) I don't want
19 this to be a guessing game here. And also
20 I'm going to give you your LinkedIn profile.
21 A. Okay.
22 (Walmart-Reed Deposition
23 Exhibit 2 was marked for
24 identification.)
25 Q. (BY MR. BOWER) And you can

Page 12

1 certainly review those as we go throughout
2 the day. I don't have any questions on them
3 right now. I just wanted you to have them in
4 case you need to refer to them. Okay?
5 A. Okay.
6 Q. So I just want to start this
7 morning with a bit of your background.
8 A. Okay.
9 Q. And kind of your earlier years
10 at Walmart.
11 MS. FUMERTON: And, Zach, just
12 to make sure, this is going to be
13 Exhibit 1?
14 MR. BOWER: Yeah, sorry.
15 That's important for the record.
16 Thank you.
17 I believe that Exhibit 1 is
18 your LinkedIn profile. And Exhibit 2
19 will be your performance review.
20 THE WITNESS: Okay.
21 MR. BOWER: Okay?
22 Thank you for that, Tara.
23 MS. FUMERTON: And so you don't
24 want her to take time to review this
25 now. We'll just have it.

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1 MR. BOWER: She can review it
2 as questions come up. I just want her
3 to have it there. If she needs to
4 refer to it, certainly do. But
5 there's no reason to review it at the
6 moment.
7 MS. FUMERTON: Okay. Can I
8 just at least let her, then, flip
9 through the review just to see what's
10 in it?
11 MR. BOWER: Sure.
12 MS. FUMERTON: I'm not sure she
13 would understand -- this would even be
14 helpful for a question.
15 [REDACTED]
16 [REDACTED]
17 [REDACTED]
18 [REDACTED]
19 [REDACTED]
20 [REDACTED]
21 [REDACTED]
22 Q. Okay. Yes, so why don't you
23 flip through it and just familiarize yourself
24 with it, and then we'll start at least
25 briefly on kind of your early days at

Page 14

1 Walmart.
2 A. Okay.
3 Q. Okay. Thanks. And certainly
4 if I ask specific questions on this or you
5 need to refer to it throughout the day,
6 please do so --
7 A. Okay.
8 Q. -- okay?
9 So can you just describe
10 briefly for us your -- any education that you
11 received after high school?
12 A. Yes. I went to Arkansas Tech
13 University. I have a major in chemistry and
14 a minor in biology.
15 Q. Okay. And then what did you do
16 immediately after graduating from
17 Arkansas Tech?
18 A. I worked for a water filtration
19 company. And then a liquor store part time.
20 Q. Okay. And then you graduated
21 in approximately 2006; is that correct?
22 A. Yes. December 2006.
23 Q. Okay. And then in 2007, you
24 began working at Walmart; is that correct?
25 A. Yes.

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1 Q. And what was your first job at
2 Walmart?
3 A. It was an optical contract
4 coordinator.
5 [REDACTED]
6 [REDACTED]
7 [REDACTED]
8 [REDACTED]
9 [REDACTED]
10 [REDACTED]
11 [REDACTED]
12 [REDACTED]
13 [REDACTED]
14 Q. And then what was your next job
15 at Walmart?
16 A. It was an audit manager with
17 health and wellness compliance.
18 Q. Can you just describe briefly
19 what that means?
20 A. Yes. We audited health and
21 wellness compliance programs, things like our
22 partial bill program and Medicaid
23 tamper-resistant prescriptions.
24 Q. And that was from approximately
25 October 2008 to April 2010?

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1 A. Yes.
2 Q. Okay. And I'm referring to
3 Exhibit 1, which is your LinkedIn profile.
4 A. Mm-hmm. (Witness nods.)
5 Q. During that -- strike that.
6 In that position, did you have
7 any involvement in Walmart's suspicious order
8 monitoring?
9 A. No.
10 Q. Did you have any involvement in
11 the distribution of Schedule II narcotics?
12 A. No.
13 Q. And then, what did you --
14 MR. MILLER: I'm sorry, I
15 apologize. On the phone, I don't know
16 if others can hear, but I can hear
17 almost nothing.
18 MS. NOWAK: Same here.
19 MR. BOWER: All right. Well,
20 why don't we go off the record for a
21 moment and we'll try to rearrange the
22 phone.
23 THE VIDEOGRAPHER: 8:15. We
24 are off the video record.
25 (Recess taken, 8:16 a.m. to

Page 17

1 8:16 a.m.)
2 THE VIDEOGRAPHER: 8:17. We
3 are on video record.
4 Q. (BY MR. BOWER) All right.
5 Let's continue where we left off, then.
6 After your position as a health
7 and wellness audit manager, what was your
8 next position at Walmart?
9 A. It was a systems manager in
10 health and wellness compliance.
11 Q. And what -- how did your duties
12 and responsibilities change with that change
13 in title?
14 A. I started focusing more on data
15 and analytics, and system-related things,
16 databases, queries, that kind of thing.
17 Oh, I guess technically the
18 next position was a compliance analyst.
19 Sorry, I skipped a position.
20 Q. That's fine. That's why I
21 wanted to supply this, to kind of make sure
22 we get it right.
23 A. Yes.
24 Q. So the compliance analyst
25 position was before the systems manager; is

1 that correct?
2 A. Yes.
3 Q. And you held the compliance
4 analyst position for approximately three and
5 a half years?
6 A. Yes.
7 Q. Okay. And then just briefly,
8 what did you do as a health and wellness
9 compliance analyst?
10 A. I created databases, created
11 reports, pulled data. Anything data and
12 analytics-related.
13 Q. And just generally, what do you
14 mean by "analytics"?
15 A. So any kind of reports that
16 they needed. If -- for audit purposes, if we
17 needed to pull data and then find trends and
18 see if some -- find out why or -- it's that
19 kind of thing.
20 Q. And who would ask you to pull
21 this data?
22 MS. FUMERTON: Objection to
23 form.
24 MR. BOWER: I'll strike that.
25

Category	Percentage
1. [Redacted]	100%
2. [Redacted]	100%
3. [Redacted]	100%
4. [Redacted]	100%
5. [Redacted]	100%
6. [Redacted]	100%
7. [Redacted]	100%
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77. [Redacted]	100%
78. [Redacted]	100%
79. [Redacted]	100%
80. [Redacted]	100%
81. [Redacted]	100%
82. [Redacted]	100%
83. [Redacted]	100%
84. [Redacted]	100%
85. [Redacted]	100%
86. [Redacted]	100%
87. [Redacted]	100%
88. [Redacted]	100%
89. [Redacted]	100%
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91. [Redacted]	100%
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96. [Redacted]	100%
97. [Redacted]	100%
98. [Redacted]	100%
99. [Redacted]	100%
100. [Redacted]	100%

[illegible]

13 Q. I'm sorry, another instruction
14 I should have given is -- I apologize I
15 didn't. Just please -- I know it's difficult
16 sometimes -- let me finish my question.
17 A. Sorry.
18 Q. So the -- just to make it easy
19 on the court reporter so that she can take
20 down the question, then your answer, and give
21 your attorney an opportunity to object.
22 Okay?
23 MS. FUMERTON: Yes. You're
24 both actually starting to interrupt
25 each other a little bit, so just slow

1 it down a little bit to make sure he's
2 finished, and then if you could also
3 do the same, make sure she's finished.

[illegible][illegible]

23 MS. FUMERTON: Objection, form.
24 And if I object, unless I instruct you
25 not to answer, you still go ahead and

1 answer his question.
2 THE WITNESS: Okay.
3 MS. FUMERTON: He may or may
4 not rephrase it. He may just ask you
5 to answer as stated.

THE WITNESS: Okay.

Category	Percentage
1	90
2	60
3	85
4	90
5	95
6	45
7	95
8	75
9	25
10	95
11	80
12	95
13	55
14	75
15	95
16	90
17	95
18	85
19	80
20	95
21	85
22	80
23	70
24	95

Page 26

[REDACTED]

Page 28

[REDACTED]

Page 27

[REDACTED]

Page 29

[REDACTED]

7 MR. MILLER: I'm sorry to
8 interrupt again. This is Jake Miller
9 on the phone. I can hear virtually
10 nothing any longer.
11 MR. BOWER: All right. Well
12 let's go off the record.
13 THE VIDEOGRAPHER: 8:31. We
14 are off the video record.
15 (Recess taken, 8:31 a.m. to
16 8:33 a.m.)
17 THE VIDEOGRAPHER: 8:34. We
18 are on the video record.
19 Q. (BY MR. BOWER) So let's try to
20 pick back up where we left off. And I think
21 I asked a poor question, so let me ask a
22 different question.
23

[illegible]

1. The first paragraph of the document discusses the importance of maintaining accurate records of all transactions and the role of the accounting department in ensuring the integrity of the financial statements.

2. The second paragraph outlines the various methods used to collect and analyze data, including interviews, surveys, and focus groups, and the importance of ensuring the reliability and validity of the information gathered.

3. The third paragraph describes the process of identifying and defining the research objectives and the importance of developing a clear and concise research plan.

4. The fourth paragraph discusses the various factors that can influence the results of a study, including the choice of sample, the design of the study, and the methods used to collect and analyze data.

5. The fifth paragraph describes the process of interpreting the results of a study and the importance of drawing conclusions that are supported by the data.

6. The sixth paragraph discusses the various factors that can influence the results of a study, including the choice of sample, the design of the study, and the methods used to collect and analyze data.

7. The seventh paragraph describes the process of interpreting the results of a study and the importance of drawing conclusions that are supported by the data.

8. The eighth paragraph discusses the various factors that can influence the results of a study, including the choice of sample, the design of the study, and the methods used to collect and analyze data.

9. The ninth paragraph describes the process of interpreting the results of a study and the importance of drawing conclusions that are supported by the data.

10. The tenth paragraph discusses the various factors that can influence the results of a study, including the choice of sample, the design of the study, and the methods used to collect and analyze data.

Page 34

[REDACTED]

Page 36

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Page 35

[REDACTED]

Page 37

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Page 38

[REDACTED]

Page 40

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Page 39

[REDACTED]

Page 41

[REDACTED]

Page 42

[REDACTED]

Page 44

1 MS. FUMERTON: You and I have
2 talked about this before. "Yes" or
3 "no" question can sometimes invade
4 attorney-client privilege. I'm not
5 saying whether this does. I'm just
6 cautioning the witness that if she had
7 conversations with counsel about a
8 specific topic, not to answer those
9 communications. It goes to the level
10 of detail.
11 So as I said, this may not be
12 an issue, but you can go ahead and
13 answer the question as long as it's
14 not going to reveal your
15 communications with counsel.

[REDACTED]

Page 43

[REDACTED]

17 MS. FUMERTON: I'm going to
18 object to the question just in case
19 it -- I don't know that it would --
20 involves communications with legal.
21 But if it's communications outside of
22 legal --
23 MR. BOWER: No, it's a
24 yes-or-no question. It doesn't call
25 for legal advice.

Page 45

[REDACTED]

Page 46

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Page 47

[REDACTED]

Page 49

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Page 50

[REDACTED]

Page 52

1 additional detail.
2 I mean --
3 MR. BOWER: Right.
4 MS. FUMERTON: I'm not
5 testifying, but ...
6 [REDACTED]

[REDACTED]

Page 51

[REDACTED]

22 MS. FUMERTON: Yeah, take your
23 time to familiarize yourself with the
24 document, if you need to, to answer
25 his questions. Because I know there's

Page 53

[REDACTED]

Page 54

[REDACTED]

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[REDACTED]

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Page 67

[REDACTED]

Page 68

[REDACTED]

9 MS. FUMERTON: Is it a good
10 time to take a break or ...
11 MR. BOWER: I think so. Yeah.
12 Let me just make sure I don't have
13 anything else on this time period, at
14 least at the moment.
15 Yeah, why don't we take a
16 break. We've been going a while.
17 THE VIDEOGRAPHER: 9:16. We
18 are off video record.
19 (Recess taken, 9:17 a.m. to
20 9:34 a.m.)
21 THE VIDEOGRAPHER: 9:34. We
22 are on video record.
23 Q. (BY MR. BOWER) All right.
24 Ms. Reed, we're back on the record. I'm just
25 going to hand you a couple more exhibits.

Page 69

1 And these I do want you to take a moment to
2 review.
3 [REDACTED]

[REDACTED]

Page 70

[REDACTED]

Page 72

[REDACTED]

Page 71

[REDACTED]

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Page 81

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Page 82

[REDACTED]

Page 84

1 approximate time?

2 A. I would say that those terms I

3 first heard in the media within the last

4 couple of years.

5 Q. By "those terms," you mean

6 opioid crisis?

7 A. Yes.

8 Q. What about a broader issue with

9 respect to abuse of controlled substances?

10 MS. FUMERTON: Objection, form.

11 THE WITNESS: What's your

12 question?

13 Q. (BY MR. BOWER) I'm just trying

14 to figure out. You seem to be stuck on my

15 term "opioid crisis." I'm just trying to

16 figure out if you use different terms, if you

17 define it as abuse of prescription drugs, of

18 drug issues with respect to Schedule II

19 narcotics. Anything broader than that. When

20 did you first become aware that our country

21 was having a problem with prescription drug

22 abuse?

23 MS. FUMERTON: Objection, form.

24 THE WITNESS: So I've worked in

25 the health and wellness space the

Page 83

[REDACTED]

16 Q. Are you aware that our country

17 is in the middle of an opioid crisis?

18 A. Yes.

19 MS. FUMERTON: Objection, form.

20 Q. (BY MR. BOWER) And when did

21 you first become aware of the opioid crisis?

22 MS. FUMERTON: Objection, form.

23 THE WITNESS: I don't know the

24 exact time.

25 Q. (BY MR. BOWER) Do you know an

Page 85

1 majority of my career. Now, I've

2 worked in an independent pharmacy when

3 I was in high school, in college. And

4 so I would say that's been something

5 that's been known by me for the

6 majority of my career, that ...

7 Q. (BY MR. BOWER) I don't want to

8 cut you off. Are you --

9 A. Yeah.

[REDACTED]

Page 86

[REDACTED]

Page 88

[REDACTED]

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[REDACTED]

Page 101

[REDACTED]

6 Q. (BY MR. BOWER) And let me just
7 ask just so I get an understanding of what
8 your familiarity is.
9 Why do you think you're here
10 today?
11 MS. FUMERTON: I -- I object to
12 that question to the extent that it is
13 seeking any information relating to
14 conversations with counsel.
15 To the extent you can answer
16 that question without revealing those
17 questions, you can answer the
18 question -- revealing those
19 communications, you can answer the
20 question.
21 THE WITNESS: Okay. So I'm
22 here because of my involvement with
23 the suspicious order monitoring
24 program, and that involves opioids
25 which are included in this case.

<p style="text-align: right;">Page 102</p> <p>1 Q. (BY MR. BOWER) Do you have any 2 understanding, other than what you've just 3 told us, what this case is about? 4 MS. FUMERTON: Again, the 5 witness can answer to the extent that 6 she can do so without revealing any 7 communications with counsel, but 8 otherwise I instruct her not to answer 9 that question. 10 THE WITNESS: The only way I 11 know is because of counsel. 12 Q. (BY MR. BOWER) Okay. So other 13 than in communications with counsel, you 14 didn't do anything else to educate yourself 15 as to why Walmart is involved in this case; 16 is that correct? 17 A. Correct. 18 Q. You haven't reviewed the 19 complaint, for example? 20 A. No, I have not reviewed the 21 complaint. 22 Q. You're not familiar with the 23 allegations that are being made against 24 Walmart; is that correct? 25 MS. FUMERTON: Again, in the</p>	<p style="text-align: right;">Page 104</p> <p>1 some other documents that were produced to us 2 in this case. Okay? 3 A. Okay. 4 Q. Has anyone ever asked you 5 whether you might have documents to produce 6 to us that might relate to the allegations in 7 this case? 8 MS. FUMERTON: Again, objection 9 to the form of the question. 10 If the question is has anybody 11 asked her to -- whether or not she has 12 documents -- my objection is to the 13 "allegations in this case" portion of 14 the question. If you could rephrase. 15 And I'm not trying to be difficult. 16 I'm just trying to be helpful to get 17 you the information you want without 18 getting into any privileged 19 information. 20 Q. (BY MR. BOWER) Do you 21 understand the question? 22 A. The basic form of the question, 23 I think so, yes. 24 Q. Okay. I'm just trying to get 25 at whether anyone said, hey, Roxy, do you</p>
<p style="text-align: right;">Page 103</p> <p>1 context, outside of communications 2 with counsel, you can answer that. 3 If you have such knowledge, you 4 can answer that question, but it's not 5 directed based, I think, on his 6 earlier ones, on our communications. 7 I know, it's a tricky -- 8 THE WITNESS: I think the 9 answer is still no. 10 MR. BOWER: Okay. 11 Q. (BY MR. BOWER) And have you 12 ever been asked whether you have documents 13 that may be responsive to the allegations in 14 this case? 15 MS. FUMERTON: Objection, form. 16 And to the extent -- objection, form. 17 If you can understand and answer his 18 question, you can answer "yes" or 19 "no." 20 THE WITNESS: Can you rephrase 21 the question? Try it that way? 22 Q. (BY MR. BOWER) Sure. And let 23 me do it this way. 24 We'll see today some documents, 25 some emails from you to others in Walmart and</p>	<p style="text-align: right;">Page 105</p> <p>1 have -- we've been sued in this case. Do you 2 have anything that might be relevant to the 3 case? 4 Anyone ever talk to you about 5 that? 6 A. With that wording, no. 7 Q. What about with any wording 8 similar to that? 9 A. Similar to that, no. 10 Q. What about in any capacity? 11 I mean, I'm not trying to play 12 games here. I'm just trying to figure out -- 13 we've made certain document requests to 14 Walmart. Right? Certain documents were 15 produced. I'm just wondering whether anyone 16 ever came to you and said, "Hey, do you have 17 anything that we might need to produce in 18 connection with this opioid case?" 19 MS. FUMERTON: Okay. So I 20 think she's answered that question, 21 and I think this is getting into 22 complicated attorney -- potentially 23 attorney-client privileged information 24 that may be difficult for her to 25 navigate on her own. I can make this</p>

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1 representation, if this helps.
2 [REDACTED]
3 [REDACTED]
4 [REDACTED]
5 [REDACTED]
6 [REDACTED]
7 [REDACTED]
8 MR. BOWER: Okay. That is
9 helpful.
10 Q. (BY MR. BOWER) So other than
11 what your counsel just said, have you, for
12 example, been asked whether you have emails
13 that might relate to the allegations that
14 have been made against Walmart?
15 A. No.
16 Q. So let's go back to -- sorry
17 for that.
18 [REDACTED]
19 [REDACTED]
20 [REDACTED]
21 [REDACTED]
22 [REDACTED]
23 [REDACTED]
24 [REDACTED]
25 [REDACTED]

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[REDACTED]

19 Q. Okay. I think we're done with
20 that document.
21 MS. FUMERTON: We have been
22 going approximately an hour. A little
23 over an hour. Is now a --
24 MR. BOWER: Yeah, it is. I
25 might have just one follow-up

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1 question, but we can certainly take a
2 break. Let me just read my notes.
3 No, we can take a break.
4 MS. FUMERTON: Okay.
5 THE VIDEOGRAPHER: 10:44. We
6 are off the video record.
7 (Recess taken, 10:44 a.m. to
8 10:59 a.m.)
9 THE VIDEOGRAPHER: 10:59. We
10 are on video record.
11 Q. (BY MR. BOWER) Now we're back
12 on the record.
13 A. Okay.
14 Q. Let me hand you what's marked
15 as Exhibit 5.
16 (Walmart-Reed Deposition
17 Exhibit 5 was marked for
18 identification.)

[illegible]

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[illegible]

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1 are off the video record.
2 (Recess taken, 11:23 a.m. to
3 11:25 a.m.)
4 THE VIDEOGRAPHER: 11:26. We
5 are on the video record.
6 MS. FUMERTON: And I just
7 wanted to -- I don't think a question
8 was pending. She's in the process of
9 reviewing, so if she can continue to
10 review the document before you ask
11 questions, that would be appreciated.
12 MR. BOWER: Sounds good.
13 Please do so.
14 THE WITNESS: Okay.
15 [REDACTED]

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[REDACTED]

13 [Document review.]
14 MS. FUMERTON: I'm sorry. Do
15 you need to ask me a question?
16 THE WITNESS: Yes.
17 Can I ask her a question?
18 MS. FUMERTON: Is it a question
19 about potentially privileged
20 information?
21 THE WITNESS: Yes.
22 MS. FUMERTON: Okay. Can we
23 please go off the record?
24 MR. BOWER: Sure.
25 THE VIDEOGRAPHER: 11:23. We

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[REDACTED]

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1 court reporter are okay to keep going.
2 Or if it's a good time to take a
3 break.
4 MR. BOWER: How long have we
5 been on?
6 MS. FUMERTON: A little bit
7 over an hour.
8 THE VIDEOGRAPHER: 35 minutes
9 since we took that little quick break.
10 MR. BOWER: We can take a break
11 now. Do you want to take a break for
12 lunch?
13 THE WITNESS: Sure.
14 MR. BOWER: Let's do that.
15 THE VIDEOGRAPHER: It's 12:01.
16 We are off the video record.
17 (Recess taken, 12:01 p.m. to
18 12:34 p.m.)
19 THE VIDEOGRAPHER: 12:34. We
20 are on the video record.
21 Q. (BY MR. BOWER) Okay. We're
22 back on the record after lunch. You
23 understand you're still under oath?
24 A. Yes.
25 [REDACTED]

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[REDACTED]

23 MS. FUMERTON: Zach, it's noon.
24 So I don't know when a good time would
25 be for lunch or if the witness or the

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6 Q. Okay.

7 MR. BOWER: Do you want to take

8 a break now or do you want to --

9 THE WITNESS: If this is a

10 logical stopping point, that's fine.

11 MR. BOWER: I think it's a

12 logical -- I'm not sure how long --

13 We can go off.

14 THE VIDEOGRAPHER: 1:57. We

15 are off the video record.

16 (Recess taken, 1:57 p.m. to

17 2:15 p.m.)

18 THE VIDEOGRAPHER: 2:15. We

19 are on video record.

[REDACTED]

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11 MS. FUMERTON: Unless I have an
12 opportunity to consult with her, I'm
13 going to instruct her not to answer.
14 I can consult with her during a break.
15 MR. BOWER: Why don't you do
16 that.
17 MS. FUMERTON: Consult now?
18 MR. BOWER: Yes.
19 MS. FUMERTON: Okay.
20 THE VIDEOGRAPHER: 2:46. We
21 are off the video record.
22 (Recess taken, 2:46 p.m. to
23 3:26 p.m.)
24 THE VIDEOGRAPHER: 3:26. We
25 are on the video record.

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1 MS. FUMERTON: There was a
2 pending question that the witness had
3 asked to consult me about with respect
4 to privilege. I am going to instruct
5 her not to answer the pending
6 question.
7 MR. BOWER: Okay. And I just
8 note for the record that we've been
9 off the record now for about
10 45 minutes, which I think is a little
11 bit peculiar to consult on one
12 question. And I do have some other
13 questions which I understand your
14 counsel may instruct you not to
15 answer, but I'm going to ask them and
16 then we'll see how it goes.
17 MS. FUMERTON: And I would just
18 like to make a statement on the record
19 that I had asked you during the break
20 whether or not we could move on from
21 this question and potentially get back
22 to it at a later point in time during
23 today. And you refused to do that
24 accomodation. And so you have an
25 obligation with respect to your

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1 clients; I have an obligation with
2 respect to my clients, and I will
3 exercise that zealously.
4 MR. BOWER: And I understand
5 that you will. I didn't realize we
6 were making those statements on the
7 record. So in fairness to myself,
8 your question was broader. You asked
9 me to move on from this entire topic,
10 and you asked for a lot of time to get
11 answers on this. You stated you were
12 unaware of this prior to now, which I
13 think is very unusual and suspect.
14 And I said I don't think that's
15 appropriate. We're entitled to
16 truthful testimony from this witness,
17 and you're entitled to make your
18 instructions as you see appropriate.
19 After you made that request,
20 you then took the half an hour that
21 you requested from me, so now you have
22 had all the time that you need, and I
23 expect you will be prepared to
24 instruct your witness as you see fit.
25 [REDACTED]

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[REDACTED]

14 MR. BOWER: Right. Which is, I
15 think, inappropriate. She's here for
16 a deposition. Unless you're going to
17 give us more than seven hours, we need
18 to ask her our questions. So we're
19 going to have to do that now.

20 MS. FUMERTON: Well, I was
21 actually being respectful of the
22 record and not having this lengthy
23 discussion on the record and going off
24 the record and have that conversation
25 with you so that you would have your

Page 284

[REDACTED]

Page 283

1 entire seven hours. So I think we
2 should move on, and I will instruct
3 the witness appropriately.

4 MR. BOWER: So thank you.

[REDACTED]

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9 MS. FUMERTON: If these -- if
10 you're discussing -- are you talking
11 about investigations with counsel, or
12 are you talking about something
13 outside of work with counsel? With
14 the legal -- with legal?
15 Well, I'm now asking questions.
16 I'm going to instruct you not
17 to -- I apologize.
18 I'm going to instruct you not
19 to answer the question to the extent
20 that you could only answer that
21 question based on communication with
22 counsel.
23 If you have an -- if there is
24 another use outside of communications
25 with counsel or legal, you can

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1 testify.
2 THE WITNESS: Sorry, I'm trying
3 to --
4 MR. BOWER: No problem.
[REDACTED]

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[REDACTED]
3 MS. FUMERTON: I'm going to
4 instruct her not to answer that
5 question on the basis that it's
6 privileged. She made it clear earlier
7 that she cannot think of any examples
8 that would not involve legal.
9 MR. BOWER: She didn't make it
10 clear, and I don't think that the
11 fact -- the circumstance is a legal
12 advice. I'm just asking what the
13 circumstances are.
14 MS. FUMERTON: No, you're
15 asking the circumstances that made it
16 useful. And I think that that
17 would --
18 Again, if she can give an
19 example that would not have been in
20 connection with a request from legal,
21 she can answer the question. If she
22 can only answer the question in
23 connection with a request from legal,
24 I'm going to instruct her not to
25 answer the question.

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1 THE WITNESS: Can I answer it
2 in a very generic term?
3 MS. FUMERTON: If it will not
4 reveal communications with counsel.
5 THE WITNESS: Okay. Then I can
6 answer generically.
7 MR. BOWER: Okay.

[REDACTED]

Page 324

[REDACTED]

Page 323

[REDACTED]

Page 325

[REDACTED]

Page 326

[REDACTED]

Page 328

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Page 327

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Page 330

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Page 332

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Page 331

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Page 333

[REDACTED]

Page 334

[REDACTED]

Page 336

[REDACTED]

Page 335

[REDACTED]

Page 337

[REDACTED]

25

MS. FUMERTON: Is this a --

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1 could we take a quick break? I mean,
2 like five minutes? It looks like we
3 have about an hour left on the record.
4 So that may be natural.

5 THE VIDEOGRAPHER: 4:17. We
6 are off the video record.

7 (Recess taken, 4:17 p.m. to
8 4:36 p.m.)

9 THE VIDEOGRAPHER: 4:36. We
10 are on the video record.

11 (Walmart-Reed Deposition
12 Exhibit 14, was marked for
13 identification.)

[REDACTED]

Page 340

[REDACTED]

Page 339

[REDACTED]

Page 341

[REDACTED]

Page 342

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Page 344

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Page 356

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Page 355

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Page 357

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Page 358

[REDACTED]

Page 360

1 THE VIDEOGRAPHER: Stand by.
2 5:01. We are off the video record.
3 (Recess taken, 5:01 p.m. to
4 5:02 p.m.)
5 THE VIDEOGRAPHER: 5:02. We
6 are on the video record.
7 Q. (BY MR. BOWER) We are back on
8 the record now and let me clear up my
9 mistake. Exhibit 15 is ending in Bates
10 No. 4624 and 46 for -- to 4626. And then
11 Exhibit 16 is 7071 and 7072.
12 MS. FUMERTON: Okay. And I
13 don't think you've had a chance to
14 review yet, so why don't you go ahead
15 and review the document.
16 [Document review.]
17 THE WITNESS: Okay.

[REDACTED]

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[REDACTED]

5 (Walmart-Reed Deposition
6 Exhibit 16, was marked for
7 identification.)
8 MR. MILLER: Can we get a Bates
9 number on Exhibit 15? I don't think
10 that was established.
11 MR. BOWER: Sure. It's 7071
12 through 7072.
13 MR. MILLER: That's 16.
14 MR. BOWER: Sorry, yeah, we're
15 on 16. Did I say 17?
16 MR. MILLER: No, he asked about
17 15, I think.
18 THE WITNESS: You put 17 on
19 here.
20 MS. FUMERTON: All right. Can
21 we -- because I have the last one
22 before that as 15.
23 MR. BOWER: Why don't we go off
24 the record just for a moment just to
25 clear that up.

Page 361

[REDACTED]

Page 362

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Page 364

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Page 363

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Page 365

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Page 366

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Page 383

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Page 385

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Page 386

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1 the record. I just have two quick --
2 hopefully -- documents I'm going to show you.
3 I'm going to give them to you one at a time
4 so we can hopefully move quickly through
5 them. Exhibit 20. Bates No. 28865 through
6 66.

[REDACTED]

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[REDACTED]

11 MR. BOWER: Okay. Thank you.
12 Why don't we just take a quick break.
13 MS. FUMERTON: Okay.
14 MR. BOWER: We can keep it
15 quick.
16 THE VIDEOGRAPHER: 5:34. We
17 are off the video record.
18 (Recess taken, 5:34 p.m. to
19 5:42 p.m.)
20 THE VIDEOGRAPHER: 5:42. We
21 are on the video record.
22 (Walmart-Reed Deposition
23 Exhibit 20, was marked for
24 identification.)
25 Q. (BY MR. BOWER) We are back on

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[REDACTED]

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[REDACTED]

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[REDACTED]

12 Q. (BY MR. BOWER) Well, the --
13 MS. FUMERTON: And you're
14 over -- we're over --
15 She says she doesn't know.
16 This does not refresh her
17 recollection, that she has no
18 knowledge of that document, and we're
19 over our seven hours.
20 MR. BOWER: Well, look. We're
21 over our seven hours for a variety of
22 reasons, a lot of which was discussion
23 with counsel on the record, so I'm
24 going to -- do you want to cut me off?
25 I have a few more questions.

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[REDACTED]

Page 393

1 It's your decision.
2 MS. FUMERTON: We're ending the
3 deposition.
4 Are we at seven hours?
5 We're ending the deposition.
6 MR. BOWER: Okay.
[REDACTED]
18 MS. FUMERTON: Okay. Well, we
19 obviously disagree with that, but that
20 will be, I'm sure, a fight for another
21 day.
22 THE VIDEOGRAPHER: 5:47 p.m.
23 We are off the video record.
24 This concludes the video
25 deposition.

<p style="text-align: right;">Page 394</p> <p>1 (Proceedings recessed at 2 5:47 p.m.) 3 --o0o-- 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25</p>	<p style="text-align: right;">Page 396</p> <p>1 INSTRUCTIONS TO WITNESS 2 3 Please read your deposition over 4 carefully and make any necessary corrections. 5 You should state the reason in the 6 appropriate space on the errata sheet for any 7 corrections that are made. 8 After doing so, please sign the 9 errata sheet and date it. 10 You are signing same subject to 11 the changes you have noted on the errata 12 sheet, which will be attached to your 13 deposition. 14 It is imperative that you return 15 the original errata sheet to the deposing 16 attorney within thirty (30) days of receipt 17 of the deposition transcript by you. If you 18 fail to do so, the deposition transcript may 19 be deemed to be accurate and may be used in 20 court. 21 22 23 24 25</p>
<p style="text-align: right;">Page 395</p> <p>1 CERTIFICATE 2 I, DEBRA A. DIBBLE, Registered 3 Diplomate Reporter, Certified Realtime 4 Reporter, Certified Realtime Captioner, 5 Certified Court Reporter and Notary Public, 6 do hereby certify that prior to the 7 commencement of the examination, ROXANNE REED 8 was duly sworn by me to testify to the truth, 9 the whole truth and nothing but the truth. 10 I DO FURTHER CERTIFY that the 11 foregoing is a verbatim transcript of the 12 testimony as taken stenographically by and 13 before me at the time, place and on the date 14 hereinbefore set forth, to the best of my 15 ability. 16 I DO FURTHER CERTIFY that pursuant 17 to FRCP Rule 30, signature of the witness was 18 not requested by the witness or other party 19 before the conclusion of the deposition. 20 I DO FURTHER CERTIFY that I am 21 neither a relative nor employee nor attorney 22 nor counsel of any of the parties to this 23 action, and that I am neither a relative nor 24 employee of such attorney or counsel, and 25 that I am not financially interested in the action. DEBRA A. DIBBLE, RDR, CRR, CRC NCRA Registered Diplomate Reporter NCRA Certified Realtime Reporter Certified Court Reporter Dated: 15 January 2019</p>	<p style="text-align: right;">Page 397</p> <p>1 ERRATA 2 Page LINE CHANGE 3 4 REASON: _____ 5 6 REASON: _____ 7 8 REASON: _____ 9 10 REASON: _____ 11 12 REASON: _____ 13 14 REASON: _____ 15 16 REASON: _____ 17 18 REASON: _____ 19 20 REASON: _____ 21 22 REASON: _____ 23 24 REASON: _____ 25</p>

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ACKNOWLEDGMENT OF DEPONENT

I, ROXANNE REED, do hereby certify
that I have read the foregoing pages and that
the same is a correct transcription of the
answers given by me to the questions therein
propounded, except for the corrections or
changes in form or substance, if any, noted
in the attached
Errata Sheet.

ROXANNE REED DATE

Subscribed and sworn to before me this
____ day of _____, 20 _____.
My commission expires: _____

Notary Public

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LAWYER'S NOTES

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